

The Village Board meeting was called to order on July 14, 2014, at 6:32 p.m. by President Walsten with Trustees Leavy, Hawkey, McNaughton, Klahn present. Trustee Frandy arrived at 6:37 p.m. Trustee McCallum arrived at 7:03 p.m. Others present were Clerk Strause, Chief Barger, PW Director Langer, Teresa Pelton, James Murray, and Heather Kirkpatrick. All stood for the Pledge of Allegiance.

Hawkey moved, second Leavy, carried to approve the minutes of June 9th, 2014. Approval of the 6-26 minutes will be on the next agenda.

President Walsten reported on her attendance at the League of Municipalities Board meeting in Sturgeon Bay, July 9-11. Strategic plan work was done with more emphasis placed on smaller communities. The Board is currently made up primarily of representatives from larger cities.

Clerk Strause gave the May financial data: Revenues \$64,144.98, expenses \$343,558.56 with an end of month balance for all funds at \$1,328,986.21. A small portion of Shared Revenue will be paid by DOR in July and the balance of tax dollars will be received in August from both Counties.

Motion was made and approved to suspend the agenda to discuss the Municipal Court Agreement at the top of the agenda. A final draft of the **"Intergovernmental Cost Sharing Agreement for Administrative Services provided to Belleville and Brooklyn Municipal Courts"** was presented. Teresa Pelton, Belleville's Court Clerk was present to answer questions on the costs that are now included in the agreement provided by Belleville. A special meeting may be needed as timing (Nov 24th, 2014) is critical to stop the election process for another four year Municipal Judge term for the Village of Brooklyn. Pelton stated if a special meeting is needed, Belleville's representatives would also be willing to meet to get everything resolved. Estimated expenses of \$10,195 less onetime expenses, i.e., laptop computer, ½ cost of judicial education once the court becomes a joint system, were reviewed. Trustee Hawkey asked for the amount of revenue generated by forfeitures as this would offset the court administrative costs. This information was unavailable but will be provided at the next meeting. The current Village budget is \$7965 and the 2015 budget would probably need to increase if the Agreement goes into effect, dependent upon revenue information. Pros and cons of abolishing the Village's court system and having the Circuit Courts litigate all citations was discussed. Fine money would still be returned to the Village from each county but administrative costs would be unnecessary. Pelton explained the advantages are the local judge has more flexibility to be responsive to the defendants and it is more likely cases will be thrown out of court at the Circuit level because of lack of available staff time. Officers would go to both Green and Dane Circuit Courts (Monroe, Madison) for prosecution which Chief Barger objected to because of the time involved. Hawkey moved, second Frandy, carried that pending the outcome conversation with District V Administrator regarding the issue whether a judge can be appointed to fill the year and a half gap (until Belleville's Municipal Judge election in 2016) and the question of a whether abolishment of our Municipal Court is required and the deadline can be met, only then, should the draft agreement be sent to Attorney Christopher for review. Approved.

Public Works: Director Langer presented three quotes for **computer replacement**, cost of which would be charged to water, sewer, and street accounts with some funds that may be used from the Sewer Replacement Equipment Fund. Finance Committee's review recommended purchasing two computers not to exceed \$5800. Langer stated the department would like to go with the Dell quote at \$1749.46 each. Strand Engineering created the specs for the proposal and the additional cost would include Strand installing and networking the computers. Frandy moved, second Klahn, carried to approve purchase of Dell computers not to exceed \$5800 including set up. This computer purchase does not include any SCADA computer replacement. There may need

to be a budget amendment because of costs, however, the Police Department IT needs are incomplete so Walsten advised a budget amendment decision be delayed until final costs are determined. Utility reports for June were reviewed.

Safety: Monthly report was reviewed. Chief Barger stated all letters have been sent out regarding the Village's intent to leave New World as of January 1, 2015. Draft #4 of the **Capital Area Police Mutual Aid Response (CAPMAR) Plan** for Dane County Police Departments was presented. Safety Committee recommended going forward with this agreement. Frandy moved, second McCallum, carried to accept draft #4 as the final document with department participation. The **2014 Annual Bike MS race will be going through Brooklyn on August 3rd**. Street route has been provided to the Chief. The organizers will set up a water station at the school. Nothing is needed from the Village. Chief Barger put together "**after-action reports**" for various activities that have been in the Village this year to provide information for future events. Barger stated communication and information sharing with his department sooner rather than later for all events would be better. A policy for events was started some time ago by the Safety Committee but is not completed.

New Business: Green County is updating their **Hazard Mitigation Assistance (HMA) Program Guidance** and is asking the Village to sign a Statement of Intent to participate. Frandy moved, second Leavy, carried to again participate in the Green County HMA. President Walsten stated she had put the RFP for legal services on the agenda because of concerns and issues expressed by trustees over the past several months regarding services provided by our village attorney. It has been at least seven years since RFP's were requested. Frandy moved, second McNaughton, carried to send **out request for proposals for village attorney**. Atty Christopher's letter was reviewed.

The issue of **Trustee McCallum's conduct** on 6-20/6-22, 2014 was addressed and three complaints received by the Clerks' office were distributed. Walsten stated she was notified several times of McCallum's conduct during the Dairy Days weekend, an event sponsored and put on by the Brooklyn Chamber of Commerce. Walsten reported individuals contacted her because of their concern that as trustee, McCallum is representing the citizens of this village. Trustee Hawkey stated this should not have been put on the Board agenda that is posted on the website, this is a Chamber issue and they should deal with it. Trustee McCallum stated these issues need to be addressed by the one accused and refuted all allegations in the complaints. Walsten stated the complaints she received are public comments and are not open for discussion. "I'm passing along what has been given to me."

Unfinished Business: The **Capital Improvement Plan summary** was presented. Trustee McNaughton further consolidated the summary to list high cost and low cost items breaking down essential costly items and low cost items that could be budgeted for. Clerk will locate the survey EDC completed in 2011 to see if there is further input from residents. **Ordinance Recodification**-Ordinance Committee is looking at what can be done to get ordinances on website. **Community Bldg policy review committee** will meet on 7-23 as there was no quorum in June. It is hoped to have the update completed soon. **Computer IT upgrade/planning**- McNaughton moved, second Hawkey, carried to approve the Finance Committee recommendation for the Clerk's Office to purchase a computer not to exceed \$2,000. **TID #2 final contract payment**- Frandy moved, second Klahn, carried to approve final payment to Krause Excavating in the amount of \$3,748.55 pending receipt of a final lien waiver. The Village has two years from final contract approval date to secure businesses for the Business Complex as stated in the CDBG agreement.

Discussion/approval of **payment for Trustee McCallum's attorney fees**, created when filing a response to the petition for her removal, was discussed. President Walsten stated Atty. Christopher informed her the Village cannot pay for McCallum's attorney fees per precedent setting case law. Hawkey asked if this was in writing and

Walsten stated she did not have this in writing from the attorney. McCallum quoted a letter dated 3/31/14 from Atty Christopher: "But if the removing power finds that the complaint was willful and malicious and without probable cause all such expenses shall be paid by the person who preferred the charges and may be collected in an action against the person or on the bond furnished by the person." She stated she believes that a removal petition filed against her was "willful and malicious" by the Board. Trustees Frandy and Klahn stated they do not feel the Village should be held responsible for paying McCallum's expenses which resulted from her actions. McCallum stated the actions were only "accusations." Trustee Klahn stated he didn't feel the actions in the petition were "accusations" and were not willful and malicious because he felt they were based on actions, words, and deeds said or done by McCallum. Trustee Frandy called the question. McCallum stated McNaughton's petition was not verified as it needs to be per WI Stats 17.16. Trustee McNaughton stated his petition filed against Trustee McCallum was withdrawn and is currently not an issue. Trustee McCallum stated this petition was never seen by the Board as pointed out by her attorney, James Murray, who was present at this meeting. President Walsten stated if it were not for the violations created by McCallum in closed session in January, there would not be any legal fees for anyone. Klahn moved, second McNaughton not to pay McCallum's attorney fees. Hawkey moved, second Frandy, carried for an amendment to get an email from Attorney Christopher stating the Village cannot pay for McCallum's legal fees as reported earlier. McCallum abstained. The original motion now stands void. Trustee Klahn moved, second McNaughton if email from Atty Christopher confirms that the board can pay McCallum's legal fees, that the Board not pay this cost as requested by McCallum. McCallum stated it is a conflict of interest for McNaughton to vote on this issue. Trustee McNaughton withdrew his second while Trustee Frandy seconded the motion with voting as follows: AYE: Walsten, Frandy, Klahn. NAY: Hawkey. Abstaining: McCallum, Leavy, McNaughton. Motion died. Amendment stands.

Payment of Walsten removal petition legal fees by Petitioner was discussed whether the Board wishes to ask for compensation from Jessica Hawkey for legal fees for removal petition against Walsten. Walsten stated a temporary chair should be appointed for this conversation. Frandy moved, second Klahn to appoint McNaughton as temporary chair. Trustee Hawkey opposed to motion because McNaughton was involved in McCallum removal petition. Frandy and Klahn both withdrew their motion. Leavy moved, second Frandy, carried to appoint Klahn as temporary chair for this issue. The issue became mute as Trustees McNaughton, Walsten, Hawkey and McCallum were unable to vote. Leavy moved, second Frandy, carried to remove Klahn as temporary chair.

Discussion continued on **June's unpaid DeWitt Ross Attorney bill** for \$1632. McCallum stated the bill is for defending Walsten and should not be paid by the Village. McCallum continued that Atty Christopher was asked by the Board why he changed the process and was asked to come to a meeting with the \$1632 over what the Board approved. Trustee Klahn and Frandy stated Christopher was not representing Walsten but was representing the Board and detailing the process in a letter issued by him. Walsten pointed out that McCallum's conduct at the Jan 13th meeting precipitated all attorney fees and "if that had not occurred, there would be no attorney fees for anyone" Because the petition for removal was withdrawn, "everything at this point is irrelevant." "We ended up with a critical situation at the end of the meeting, possibly creating a significant liability on violations of closed session which has triggered one event after another. A document in closed session left the closed session with McCallum." Klahn moved, second McNaughton, carried to pay the \$1632 attorney bill for June. NAY: McCallum. Abstain: Hawkey.

Consent Agenda: Frandy moved, second Leavy, carried to approve: Payment of July 2014 invoices as listed; 2014 (July 15th) -2015 License as follows: COMBINATION "CLASS A": FERMENTED MALT BEVERAGE & INTOXICATING LIQUORS: NEW- Dollar General Store #14977, Phil Hesslau, Agent, 303 Douglas Dr.; Operator

License for Sarah Michaelis; Temporary Class "B" license to Brooklyn Sno Hornets, Inc. Legion Park, Aug 29, - Aug 31, 2014 for Labor Day weekend Tractor/Truck Pull; extending Legion Park hours; Amplification permit – Aug 27-Sept 1st.

Committee reports: Planning and Zoning continues to work on drafting a new zoning description for the Industrial District which is more representative of the existing businesses. **Ordinance:** Met to discuss the process for getting adopted Ordinances on the website. Work is continuing on Chapter 19 and the committee is looking at possibly updating the vegetation and off leash animal ordinance. **Fire/EMS:** No report. **EDC** will meet on July 17th. **Recreation:** Frandy reported the Get Fit program has a profit \$1100 with a new schedule out in July for the next session. Recreation Fun Run had twenty less runners this year. July 4th has acquired \$2,375 in donations plus approximately \$371 in donation cans at businesses and \$300 collected the night of the event. Expenses are \$3,400. Water and soda was donated by Brooklyn Mini Mart, Kwik Trip, and Dorothy Frandy. The fireworks display "was awesome" with many comments on the great show. There were problems with traffic congestion again this year due to the many vehicles leaving the park after the event. The brief discussion reinforced the need for the park to have a second exit. This item is on the five year Capital Improvement Plan and will be discussed at the Board meeting. The Nov 8th craft show has vendors already registering. A Labor Day weekend event is still being discussed. Summer Rec program is going well; however, attendance is low. **Emergency Management:** No report. **Personnel:** No report. **Finance:** McNaughton directed all to July minutes. **Recycling:** No report. **Website:** Klahn moved second McNaughton, carried to appoint Trustee Hawkey to the committee.

Klahn moved, second Hawkey, carried to adjourn at 8:47 p.m.

Carol A Strause, MMC